

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

204

CRM-M-55743-2019

Date of Decision:24.08.2021

ANGREJ SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Tanvir Singh Grewal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.183 dated 19.09.2019, Annexure P-1, registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short “NDPS Act”) at Police Station Dirba, District Sangrur.

Counsel for the petitioner submits that the petitioner has been implicated on the basis of a disclosure statement of Gurmeet Singh, from whom recovery of 1 Kg. opium was effected, which falls within the ambit of non-commercial quantity (inadvertently mentioned as commercial quantity in order dated 17.01.2020), as per the Notification issued under the provisions of the NDPS Act. He submits that the petitioner has joined the investigation and is not involved in any other criminal case.

While granting interim protection to the petitioner, this Court passed the following order on 17.01.2020 in the main case :-

“Learned counsel for the petitioner has submitted that the recovery is 1 Kg opium, which is commercial quantity. He has further placed reliance upon orders Annexure P2 and P3 whereby co-accused Gurmeet Singh and Maninder Singh have been granted regular bail by the Special Court, Sangrur. He has further submitted that the recovery was not effected from the present petitioner.

Learned State counsel has not been able to dispute this fact.

List on 30.03.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Upon instructions from ASI Om Parkash, State counsel has not been able to dispute the submission made by counsel for the petitioner. He has instructions to state that the petitioner is not required for custodial interrogation.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 17.01.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

24.08.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No